

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SEP 06 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOHN HENRY SCHNEIDER,

Defendant-Appellant.

No. 18-30187

D.C. No. 1:17-cr-00077-SPW  
District of Montana,  
Billings

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The motion of appellant's retained counsel, John E. Smith, Jr., Esq., to withdraw as counsel of record (Docket Entry No. 5) is granted.

In this criminal appeal, appellant appears on the court's docket as proceeding pro se, although appellant may be entitled to appointment of counsel at government expense. Within 28 days after the date of this order, appellant shall:

(1) retain counsel who shall file a notice of appearance; or (2) file a motion for appointment of counsel at government expense accompanied by a completed financial affidavit (Form CJA 23); or (3) inform the court in writing of appellant's clear and unequivocal request that the court exercise its discretion to permit appellant to proceed on appeal without the assistance of counsel. *See* 9th Cir. R. 4-1(d); *Martinez v. Court of Appeal*, 528 U.S. 152 (2000).

A new briefing schedule shall be established upon compliance with this order.

Failure to comply with this order may result in the dismissal of this appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

The Clerk shall amend this court's docket to reflect that John E. Smith, Jr., is no longer appellant's counsel of record.

The Clerk shall serve this order and a Form CJA 23 on Assistant United States Attorney Colin Rubich, counsel for appellee. Within 14 days after the date of this order, counsel Rubich shall serve this order and the Form CJA 23 on appellant and provide proof of service to this court showing appellant's current address.